

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ADVANTAGEOUS COMMUNITY
SERVICES, LLC *et al.*,**

Plaintiff,

vs.

Civ. No. 17-525 LF/KK

GARY KING, *et al.*,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*.

On March 26, 2018, 2018, the Court entered an order setting this matter for a telephonic scheduling conference on April 23, 2018 at 9:30 a.m. Defendants' counsel, Mr. Daniel R. Dolan, II, failed to appear at the April 23, 2018, Telephonic Scheduling Conference as ordered. The Court attempted to reach counsel by phone, waited ten (10) minutes for Defendant's counsel to appear, and then concluded the conference.

The Court has discretionary authority under Federal Rule of Civil Procedure 16(f) to sanction a party or attorney for failing to: (1) appear at a scheduling conference; or, (2) comply with a scheduling order. Fed. R. Civ. P. 16(f)(1)(A), (C).

[T]here can be no doubt that subsection (f), added as part of the 1983 amendments to Rule 16, indicates the intent to give courts very broad discretion to use sanctions where necessary to insure . . . that [lawyers and parties] fulfill their high duty to insure the expeditious and sound management of the preparation of cases for trial.

Olcott v. Delaware Flood Co., 76 F.3d 1538, 1555 (10th Cir. 1996) (quoting *In Matter of Sanction of Baker*, 744 F.2d 1438, 1440 (10th Cir. 1984)). Further, the Court may assess

sanctions under its inherent power where an attorney willfully disobeys a court order. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 45 (1991).

IT IS THEREFORE ORDERED that Defendants' counsel, Mr. Daniel R. Dolan, II, shall show cause, in a written response filed within seven (7) days of entry of this Order, why Defendant's counsel should not be sanctioned for noncompliance with the Court's Order, and required to pay Plaintiff the reasonable expenses it incurred as a result of its counsel's attendance at the Telephonic Rule 16 Scheduling Conference.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kirtan Khalsa", written in a cursive style.

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE